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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/905,487	07/13/2001	Chang June Song	020435001200US	3708

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EXAMINER

NGUYEN, QUYNH H

ART UNIT PAPER NUMBER

2642

DATE MAILED: 09/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/905,487

Applicant(s)

SONG, CHANG JUNE

Examiner

Quynh H Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adachi et al. (U.S. Patent 5,335,367).

Regarding claim 1, Adachi et al. teach an enclosure (Fig. 1); an antenna (Fig. 1, 23); and antenna system, including: a housing (Fig. 2A, 3) containing the antenna, the antenna housing being mounted to the enclosure for movement /sliding the antenna in a first direction toward the outside of the housing or for releasing, and to enable the antenna to slide in a retracting direction opposite to the first direction (or second direction) (Abstract and col. 5, lines 48-57); and a bias member (Fig. 1, wire spring 32) coupled to the antenna housing to bias the antenna housing toward the second position

Adachi et al. do not specifically assign a first position to hold the antenna in a retracted position and a second position for extending the antenna.

Obviously, whether the first position is sliding the antenna toward the outside of the housing for releasing the antenna or hold the antenna in a retracted position is just user preferences or design choice. The latter one is one of the prefer option in the invention.

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Claim 2 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Adachi et al. teach a wireless telephone of a type formed from first (Fig. 1, 2) and second phone parts (Fig. 1, 1) pivotally joined together to allow the first phone part to open from a folded position with the second phone part for use, the first and second phone parts forming an enclosure (Fig. 1); a release element mounted to hold the antenna housing in the first position; and a bias member to bias the antenna housing to the extended position when the release member is disposed to release the antenna housing (col. 3, line 51 through col. 4, line 56).

Regarding claims 3, 4, and 12, Adachi et al. teach the bias member is a wire spring 23.

Regarding claim 5, Adachi et al. teach the antenna housing is mounted to the second phone part (col. 3, lines 31-32), and both sides of the base portions of the cover 2 are rotatably connected to both sides of the bottom of the housing 3 and urged by a torsion spring in the opening direction (col. 3, lines 44-47).

Regarding claims 6 and 14, Adachi et al. teach the antenna is mounted in the antenna housing to be extracted from the antenna housing when in the second position (col. 4, lines 59-65).

Regarding claim 7, Adachi et al. teach the release member including tab formed on the antenna housing (the antenna operating member 17), when press 17 and slide the base portion of the antenna 23 and to return the antenna in the first position (col. 4, lines 1-65 - non-use direction).

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Claim 8 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Adachi et al. teach a wireless telephone including: an outer shell forming an enclosure having an opening (col. 3, lines 29-37); an antenna holder mounted in the enclosure and having an end located proximate the opening (housing 3); an antenna releasable held in the antenna holder for movement between a retracted position within the antenna holder and a second position extending from the antenna holder and through the opening (col. 4, lines 16-25); a movable latch member mounted to releasable hold the antenna in the antenna holder (col. 4, lines 28-36).

Claims 9 and 11 are rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Adachi et al. teach the enclosure having at least a partial recess col. 3, line 68 through col. 4, line 3), a captivation system including a detent to releasable hold the housing in the retracted and extended positions (col. 3, lines 31-32 and col. 3 line 57 through col. 4, line 56).

Claim 10 is rejected for the same reasons as discussed above with respect to claim 2. However, Adachi et al. do not teach moving the first phone part from a folded position juxtaposed with the second phone part to an open position, there being formed in the first part a barrel having a notch, the housing having a terminal end with a tab formed to extend there from captured by the barrel, whereby the housing is released to move toward the second position when the first phone part rotates from the folded position to the second position to let the tab pass through the notch. Instead, Adachi et al. teach the locking plate 28, the switch operating projection 27, the antenna operating

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member 17 and the operating portion 24 slide from the folded position to the second position ("in the use direction") (col. 4, lines 16-35).

Regarding claim 13, Adachi et al. do not detailing suggest a wireless telephone including a bend in the spring, and wherein the detent member has formed therein first and second notches, spring and detent member being positioned so that the first notch matingly engages the vend to hold the housing in the retracted and extended positions. Again, different system has slightly different design. The main purpose of both the invention and the patent reference is to prevent the antenna from being damaged when the wireless telephone inadvertently falls or collides with another object, since the antenna is contained in the housing.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quynh H. Nguyen whose telephone number is 703-305-5451. The examiner can normally be reached on Monday - Thursday from 6:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

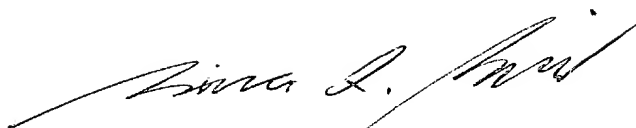
qhn

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Quynh H. Nguyen
September 7, 2004

A handwritten signature in black ink, appearing to read "Bing Q. Bui", written in a cursive style.

BING Q. BUI
PRIMARY EXAMINER